

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 4:18-cr-00011
)	
MARCUS DAVIS)	
<i>Et al.</i>)	

MOTION TO CONSOLIDATE HEARINGS

The United States of America respectfully moves the Court to consolidate the hearings on the defendants' motions to dismiss in this case with the same hearing in the corresponding case scheduled for the same day. As grounds for this Motion, the United States asserts the following:

1. The next hearing in this case is scheduled for June 7, 2019. At that hearing, the Court will hear argument on the various motions to dismiss filed by the defendants in this case.
2. Because these motions contain complex legal issues, the Executive Assistant United States Attorney and Appellate Chief Laura Day Rottenborn is responding to those motions and will be prepared to argue them on June 7, 2019. However, Ms. Rottenborn has a mandatory training in South Carolina that she will be attending and cannot return to Roanoke until mid-day. She will be prepared to argue the motions any time on the afternoon of June 7.
3. Moreover, the motions filed by the defendants in this case and in the corresponding case contain virtually identical legal arguments. The Court and the parties would benefit from a consolidated hearing on this complex issue, where all sides would have the benefit of hearing the

questions being asked by the Court and the responses and arguments of the other parties. A consolidated hearing is also more efficient.

4. The United States inquired of defense counsel whether they oppose this motion, but did not provide sufficient time for them to respond to that email before it had to file this motion to meet today's motions hearing deadline. By the filing of this motion, Defendants Marcus Davis, Phillip Miles, and Ashley Ross did not oppose the motion. Defendant Deshaun Trent opposes the motion.

WHEREFORE, the United States respectfully requests the Court to consolidate two hearings on the motions to dismiss and set the hearing for early afternoon on June 7, 2019.

Respectfully submitted,

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s/Heather L. Carlton

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been electronically filed with the Clerk by CM/ECF system which will send notification of such filing to all counsel for the Defendants, on this 17th day of May, 2019.

s/Heather L. Carlton
Assistant United States Attorney